

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CR. NO. 2:07cr58-WHA
)
COURTNEY SMITH a/k/a KOKO)

UNITED STATES OF AMERICA'S MOTION
FOR A FINAL ORDER OF FORFEITURE

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Final Order of Forfeiture in the above-entitled case and states as follows:

That on August 15, 2007, this Court entered a Preliminary Order of Forfeiture ordering defendant Courtney Smith to forfeit: One Smith & Wesson CS45 Pistol, serial number EKW3797.

That notice of this forfeiture and of the intent of the United States to dispose of the firearm in accordance with the law as specified in the Preliminary Order of Forfeiture, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the firearm was published in the Montgomery Independent newspaper on September 13, 20 and 27, 2007; and,

That no petitions of interest were filed within that thirty-day period. Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Accordingly, the United States respectfully requests that this Court enter a Final Order of Forfeiture as proposed in the attached Order.

Defense counsel does not oppose entry of a Final Order of Forfeiture.

Respectfully submitted this 29th day of October, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
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CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2007, I electronically filed the foregoing Motion for Final Order of Forfeiture and Proposed Final Order of Forfeiture with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/John T. Harmon

John T. Harmon

Assistant United States Attorney

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COURTNEY SMITH a/k/a KOKO)

FINAL ORDER OF FORFEITURE

WHEREAS, on August 15, 2007, this Court entered a Preliminary Order of Forfeiture, ordering defendant Courtney Smith to forfeit the following firearm:

One Smith & Wesson CS45 Pistol, serial number EKW3797.

The United States published notice of this forfeiture in the Montgomery Independent newspaper in accordance with the law and as specified in the Preliminary Order, and further notified all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the firearm;

No timely petition has been filed; and,

The Court finds that defendant Courtney Smith had an interest in the firearm that is subject to forfeiture pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c). The United States has established the requisite nexus between such firearm in the commission of the violation of Title 18, United States Code, Section 922(g)(1).

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The following firearm is hereby forfeited to the United

States pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c):

One Smith & Wesson CS45 Pistol, serial number EKW3797.

2. All right, title and interest to the firearm described above is hereby condemned, forfeited and vested in the United States of America and shall be disposed of according to law;

3. The United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and,

4. The Clerk of the Court shall forward two certified copies of this Order to the United States Attorney's Office.

SO ORDERED this the ____ day of October, 2007.

UNITED STATES DISTRICT JUDGE